

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
IVELYSE BELONY, LPN	:	FINAL ORDER
License # 26NP06592800	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ivelyse Belony ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On March 5, 2013, the board received flagging notice indicating that Respondent was arrested on March 4, 2013 by the Union Police Department for violation of N.J.S.A. 2C:12-1A (Simple Assault). The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter,

Respondent's nursing practice, and continuing education to Respondent's address of record in Irvington, New Jersey, via regular and certified mail on or about March 13, 2013. The regular mailing was not returned; the certified mailing was unclaimed and returned.

3. On or about May 13, 2013, Respondent completed and submitted an online biennial renewal for the period of June 1, 2013 to May 31, 2015.

4. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

5. To date, Respondent has not responded to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 21, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A

copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, furnishing all the information requested in the Board's original letter of inquiry. Respondent had provided a transcript showing she had completed undergraduate nursing courses at Ohio American Health Care Inc. School of Health Sciences from February of 2011 through March of 2012. However that school is not accredited by any state Department of Education, and has apparently been shut down amid serious allegations. Upon being advised that the courses respondent took at this institution did not qualify as valid continuing education, respondent completed thirty (30) hours of additional continuing education on February 5, 2015, and cured her deficiency. The Board therefore finds that

suspension is no longer warranted, as respondent has provided all that she was required to provide pursuant to the Provisional Order of Discipline. However, the Board finds that respondent knew or should have known that the courses she had taken did not qualify as valid continuing education pursuant to N.J.A.C. 13:37-5.3. In addition, she did not timely respond to the Board's letter of inquiry, and did not timely complete continuing education for the 2011-2013 licensing cycle. The Board thus determined that the Provisional Order should be finalized, without suspension, but imposing the reprimand and the \$750 in civil penalties for failure to cooperate with a Board investigation, and failure to timely complete continuing education.

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of April, 2015,  
ORDERED that:

1. A reprimand is hereby imposed on Respondent for misrepresentation of the continuing education information on her license renewal application.

2. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred

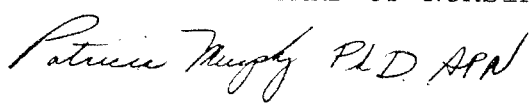
and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be due no later than fifteen (15) days after the filing of this order. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings, if warranted, based upon any information that Respondent has provided in response to the letter of inquiry or upon any new information the Board receives.

4. The continuing education completed on February 5, 2015 may not be applied to satisfy respondent's continuing education obligation for the 2013-2015 licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

By:

  
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Patricia Murphy, PhD, APN  
President